

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

August 29, 2019

Sai
78500-20659631@requests.muckrock.com

Re: OSTP-FOIA-19-076

Dear Sai:

This letter acknowledges a Freedom of Information Act (henceforth "FOIA")¹ request submitted to the Office of Science and Technology Policy (hereinafter "OSTP") on August 5, 2019. The request specifically sought:

"A. Chief FOIA Officers' desktops

1. [F]or the component's
 - a) Chief FOIA Officer,
 - b) Chief Privacy Officer, and
 - c) any substantially equivalent component official ('Officer');
2. [T]he entire content of [] the Officer's physical desktops, i.e. everything on the actual desk(s) where they work. [][I]ncluding all other office surfaces, e.g. cabinets, tables, in/out boxes, shelves, etc in the Officer's office(s).
3. [A]s the above exist at the time anyone in the component first learns of this request. (I.e., no clearing out the desk before searching it. You may of course continue to use the office normally, but this request creates a hold for its exact content at that one snapshot in time).
4. For hold preservation validation purposes, please take and provide digital photos of the Officer's entire office, showing all items in plain view at the time this request was received."

The request also sought:

"B. [A]ll records relating to the fulfillment of this request, such as FOIA logs, documentation of searches, referral emails, etc.

C. [A]ll records relating to any complaint(s), FOIA request(s)/appeal(s), and/or Privacy Act request(s)/appeal(s) made by me. This includes, but is not limited to:

1. [A]ll records relating to the processing my previous requests, complaints, etc;
2. [A]ll records containing the terms my name, email address(es), and other contact or identifying information, listed below my signature; and
3. [A]ll records containing any of my complaint, request or appeal identifiers.

¹ 5 U.S.C. § 552.

D.

1. [A]ll parts of the record (i.e. no portion of a record with some responsive portion may be considered "non-responsive");
2. [A]ll versions of the record, whether or not currently in use;
3. [A]ll record metadata, such as dates on which they were drafted, passed, went into effect, withdrawn, or similar events; person(s) / office(s) responsible; authors; IDs; revision numbers; etc.;
4. [A] detailed index of all claims of exemption/privilege, regardless of whether the record is claimed to be exempt in whole or in part; access to inspect the record directly, in its native electronic format; and
5. [I]f any classification applies, mandatory declassification review (MDR) under E.O. 13526, and the result of the MDR, including any declassified records."

In accordance with the FOIA, OSTP uses a multitrack processing system when reviewing FOIA requests.² Requests within each track are processed on a "first-in, first-out" basis.³ Track one is for "requests of simple to moderate complexity that are expected to be completed within 20 working days."⁴ Track two "is for requests involving 'unusual circumstances,' . . . that are expected to take more than 20 working days to complete."⁵ Requests that seek and receive expedited processing are prioritized above each of the aforementioned tracks and "OSTP may take [such] requests out of order" to process them more quickly.⁶ To qualify for expedited processing, one of the following compelling needs must be met:

- 1) That failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of any individual; or
- 2) That a request is made by a person primarily engaged in disseminating information, and the person establishes that there is an urgency to inform the public concerning actual or alleged Federal Government activity.⁷

This request is designated as a track one request. However, there are several pending requests that were received prior to the instant request. Accordingly, it is anticipated that the processing time will extend beyond 20 working days. Once the records review process is completed, responsive documents will be immediately released to the extent permitted by any applicable FOIA exemptions.

Please note that requesters have the right to seek dispute resolution services regarding their requests from OSTP's FOIA Public Liaison or the Office of Government Information Services (hereafter "OGIS"). To employ these services, please contact Andrew Mendoza via

² 5 U.S.C. § 552(a)(6)(D); 32 C.F.R. § 2402.5(c).

³ 32 C.F.R. § 2402.5(c).

⁴ *Id.* at § 2402.5(c)(1).

⁵ *Id.* at § 2402.5(c)(2).

⁶ *Id.* at § 2402.5(d).

⁷ *Id.* at § 2402.5(d)(i)-(ii).

telephone at (202) 456-4444 or by e-mail at OSTPFOIA@ostp.eop.gov. To contact OGIS, please use the following contact information:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphia Road-OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: (202) 741-5770
Fax: (202) 741-5769
Toll-free: 1 (877) 684-6448

Finally, this request is considered an "other non-commercial request."⁸ Therefore, this request will only be subject to certain search and duplication costs.⁹ Pursuant to OSTP regulations, the requester is entitled to the first 100 pages of copies and first two hours of search time at no charge.¹⁰ For duplication exceeding the first 100 pages and search time that exceeds two hours, OSTP will charge the "direct costs of the[] services [rendered], including the average hourly salary (base plus locality payment plus 16 percent) for the employee[]"¹¹ performing the service.

If you have any questions, please do not hesitate to contact me via telephone or e-mail.

Sincerely,



Nicholas D. Wittenberg
Legal Counsel

⁸ *Id.* at § 2402.8(b)(1)(iii).

⁹ *Id.* at § 2402.8(b)(1)(iii), (3).

¹⁰ *Id.* at § 2402.8(b)(1)(iii), (3).

¹¹ *Id.* at § 2402.8(b).

